

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

AGUSTIN GUTIERREZ VALENCIA et  
al.,

Defendants.

CASE NO. 2:22-cr-00151-LK

ORDER GRANTING UNOPPOSED  
MOTION TO CONTINUE TRIAL  
DATE AND PRETRIAL MOTIONS  
DEADLINE

This matter comes before the Court on the remaining Defendants' Unopposed Motion to Continue Trial Date and Extend Pretrial Motions Deadline. Dkt. No. 215.<sup>1</sup> Defendants move to continue the trial date from October 28, 2024 to April 28, 2025, and to continue the pretrial motions deadline from September 16, 2024 to March 14, 2025. *Id.* at 1.

<sup>1</sup> The remaining Defendants are Rosalio Reynoso Arellano and Agustin Gutierrez-Valencia. The other Defendants in this case have pled guilty. *See* Dkt. No. 189 (judgment as to Ernesto Casillas); Dkt. No. 198 (order accepting plea of Daniel Vazquez Arroyo); Dkt. No. 211 (judgment as to Ivan Santos Arellano). When Defendants filed their motion, three Defendants remained, Dkt. No. 215 at 1, but the Court subsequently accepted Jesus Toledo Pardo's plea of guilty, Dkt. No. 231.

1 On September 21, 2022, a grand jury returned an indictment charging Mr. Reynoso  
2 Arellano and Mr. Gutierrez-Valencia with Conspiracy to Distribute Controlled Substances under  
3 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846, and Possession of Controlled Substances with Intent  
4 to Distribute under 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 18 U.S.C. § 2. Dkt. No. 38 at 1–6.  
5 Trial was scheduled for November 28, 2022, Dkt. No. 52, but the Court has continued trial three  
6 times based on Defendants’ motions and a stipulated motion to continue, Dkt. Nos. 82, 97, 117,  
7 133, 151, 158.

8 Counsel for the remaining Defendants request additional time to prepare for trial in light  
9 of the “volume of the discovery and the complexity of this matter[.]” Dkt. No. 215 at 1. In addition,  
10 counsel is scheduled to begin other trials in October 2024. *Id.* at 1–2. They state that given their  
11 trial schedules, “along with the trial schedule for the attorneys for the government, . . . the earliest  
12 the defendants are able to proceed to trial is April 28, 2025.” *Id.* at 2. Mr. Gutierrez-Valencia and  
13 Mr. Reynoso Arellano have filed speedy trial waivers waiving their right to a speedy trial through  
14 May 28, 2025. Dkt. Nos. 235, 236.<sup>2</sup>

15 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by  
16 granting a continuance of trial outweigh the best interest of the public and Defendants in any  
17 speedier trial. Specifically, the Court finds that failure to grant the requested continuance would  
18 likely result in a miscarriage of justice and would deny defense counsel the reasonable time  
19 necessary for effective preparation, taking into account the exercise of due diligence, due to  
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21  
22 <sup>2</sup> Counsel for Mr. Reynoso Arellano submitted a speedy trial waiver that did not waive speedy trial rights to at least  
23 two weeks beyond the requested trial date as required by the Court’s Standing Order for Criminal Cases. Dkt. No. 51  
24 at 2 (Standing Order); Dkt. No. 224 (waiver). Court staff contacted counsel, and he then filed an updated waiver. Dkt.  
No. 236. Counsel made the same mistake with a prior request for a continuance, necessitating the submission of a  
corrected waiver. Dkt. Nos. 128, 131. These errors waste scarce resources of the Court, counsel, and Court-funded  
interpreters, and in the future, the Court may direct the nonpayment of attorney’s fees for time spent correcting such  
mistakes.

1 counsel's need for more time to review the evidence, consider possible defenses and motions, and  
2 prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that the additional time  
3 requested is a reasonable period of delay and will be necessary to provide counsel and the  
4 remaining Defendants reasonable time to accomplish the above tasks.

5 For these reasons, the Court GRANTS the remaining Defendants' motion, Dkt. No. 215,  
6 and ORDERS that the trial date shall be continued from October 28, 2024 to April 28, 2025, and  
7 the pretrial motions deadline shall be continued from September 16, 2024 to March 14, 2025. It is  
8 further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from  
9 the date of this Order to the new trial date is EXCLUDED when computing the time within which  
10 Defendants' trial must commence under the Speedy Trial Act.

11 Dated this 22nd day of October, 2024.

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Lauren King  
14 United States District Judge  
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